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9 Attorneys for Plaintiff  
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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 RANDY MURPHY, ) CASE NO. C04-3062 TEH  
14 )  
15 Plaintiff, ) STIPULATION AND ORDER RE:  
16 ) RICHARD WORD  
17 vs. )  
18 CITY OF OAKLAND, et al., ) Trial: 11/15/05  
19 Defendants. ) Pretrial: 11/9/05  
20 )  
21 )  
22 )  
23 )  
24 )  
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26 )  
27 )  
28 )

21 THE PARTIES, BY AND THROUGH THEIR ATTORNEYS OF RECORD, DO  
22 HEREBY STIPULATE AND AGREE AS FOLLOWS:

23 Richard Word was the Chief of Police for the City of Oakland  
24 at the time of the incidents giving rise to the plaintiff's  
25 claims in this action. The parties stipulate and agree that  
26 Chief Word will not be joined as a party to this action in his  
27

28 STIP/ORDER RE CHIEF WORD  
CASE NO. C04-3062 TEH

1 individual capacity. The parties further stipulate agree that  
2 Chief Word was the policy-maker for the City of Oakland on the  
3 issues relating to the City of Oakland Police Department relevant  
4 to this action. The fact that Chief Word will not be joined as  
5 an individual defendant will not have any bearing or effect on  
6 his policy-maker status. In addition, it is further agreed that  
7 the jury may consider any acts or omissions of Chief Word done  
8 within the course and scope of his employment and/or in his  
9 policy-maker capacity in determining whether the City of Oakland  
10 is liable for the plaintiff's injuries and damages under 42  
11 U.S.C. Section 1983 and under California law.

12 IT IS FURTHER AGREED AND STIPULATED THAT counsel for  
13 Defendants has agreed to produce Chief Word, as well as  
14 defendants Brett Estrada, Matt McGiffert and other percipient  
15 Oakland Police Department witnesses, to testify in plaintiff's  
16 case in chief without a subpoena at trial.

17 IT IS SO STIPULATED:

18  
19 Dated: November 3, 2005

\_\_\_\_\_/S/\_\_\_\_\_  
JOHN L. BURRIS  
Attorney for Plaintiff

22  
23 Dated: November 3, 2005


\_\_\_\_\_/S/\_\_\_\_\_  
JAMES B. CHANIN  
Attorney for Plaintiff

1 Dated: November 9, 2005

\_\_\_\_\_/S/\_\_\_\_\_  
PETER J. HALLIFAX  
Attorney for Defendants

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3 PURSUANT TO STIPULATION,  
4 IT IS SO ORDERED:

5 Dated: November 10, 2005

  
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THELTON E. HENDERSON  
JUDGE OF THE UNITED STATES  
DISTRICT COURT